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FISCAL IMPACT STATEMENT

LS 7241

BILL NUMBER: SB 291

NOTE PREPARED: Jan 4, 2004

BILL AMENDED:

SUBJECT: Jurisdiction and Venue.

FIRST AUTHOR: Sen. Ford

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a person may be convicted under Indiana law of an offense if the offense:

- (1) involves the use of the Internet or another computer network and access to the Internet or other computer network occurs in Indiana; or
- (2) involves the use of the Internet or another computer network or another form of electronic communication, occurs outside Indiana at the time the victim of the offense is a resident of Indiana, and is sufficient to constitute an offense under Indiana law.

The bill also provides that if an offense is committed by use of the Internet or another computer network, the trial may be held in any county:

- (1) from which or to which access to the Internet or other computer network was made; or
- (2) in which any computer, computer data, computer software, or computer network that was used to obtain access to the Internet or other computer network is located.

Also, the bill provides that if an offense:

- (1) is committed by use of the Internet or another computer network or another form of electronic communication; and
 - (2) occurs outside Indiana at the time the victim of the offense is a resident of Indiana,
- the trial may be held in the county where the victim resided at the time of the offense.

Effective Date: July 1, 2004.

Explanation of State Expenditures: There are no data to indicate how many more people may be tried in

Indiana as a result of granting jurisdiction for an offense that occurs over the Internet or another computer network, nor is there information to indicate the penalties for which offenders may be sentenced.

However, if additional offenders are sentenced to a term of incarceration in Indiana, costs for housing offenders could increase. The average expenditure to house an adult offender was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a felony is \$10,000, and for a misdemeanor, the maximum fee varies by class from \$500 to \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings or incarcerated in local facilities for misdemeanor convictions, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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